

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 FEB -7 AM 9:09 MJ 0349

UNITED STATES OF AMERICA,

Plaintiff,

v.

Joel ROJAS-Flores

Defendant.

CLERK Magistrate Case No.
SOUTHERN DISTRICT OF CALIFORNIA

By *[Signature]*

COMPLAINT FOR VIOLATION OF:

-) Title 8, U.S.C., Section 1326;
-) Deported Alien Found in the
-) United States

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The undersigned complainant, being duly sworn, states:

On or about, **July 07, 2007**, within the Southern District of California, defendant, **Joel ROJAS-Flores**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Gregory M. Harrison
SIGNATURE OF COMPLAINANT

Gregory M. Harrison, Immigration and
Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **07th** DAY OF **February** 2008.

Arlan Bowles
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**NAME: ROJAS-Flores, Joel****PROBABLE CAUSE STATEMENT**

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On Saturday, July 07, 2007 the defendant identified as Joel ROJAS-Flores was arrested by the Chula Vista Police Department for violation of California Penal Code, Section 459 "Burglary" and Health and Safety Code, Section 11377(A) "Possession of a Controlled Substance". The defendant was booked into the Chula Vista County Jail where an Immigration Enforcement Agent determined him to be a citizen of Mexico and placed a Form I-247 "Immigration Hold" pending his release. Subsequently, the defendant was referred to the custody of the George Bailey Detention Facility in order to serve his sentence. On Wednesday, February 06, 2008 at approximately 9:45 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer Gregory Harrison reviewed various sources of information and conducted official record checks in regards to the defendant. A thorough review of the defendant's official immigration record revealed that he is a citizen and national of Mexico having been previously removed from the United States on at least two occasions.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on two occasions and physically removed to Mexico on March 19, 2004 via the Calexico Port of Entry and most recently on or about July 21, 2005 via the Nogales Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Joel ROJAS-Flores, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Joel ROJAS-Flores has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.